

TIMOTHY D. KELLY, P.A.

Attorneys at Law
3720 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

SARAH E. BUSHNELL
sbushnell@timkellypa.com

TELEPHONE
(612) 349-6171

FAX
(612) 349-6416

November 1, 2012

VIA CM/ECF WITH PERMISSION

Honorable Ann D. Montgomery
United States District Court Judge
13W U.S. Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415

Re: *John Hancock Life Insurance Company, et al. v. Ally Financial Inc., et al.*
Case No. 0:12-cv-01841-ADM-TNL

Dear Judge Montgomery:

Pursuant to my October 25, 2012 conversation with Gertie Simon, this letter confirms that all Defendants withdraw the pending motions to dismiss scheduled to be heard on January 8, 2013.

The subject motions were directed to the Plaintiffs' original Complaint. On October 15, 2012, Plaintiffs filed an Amended Complaint. On October 30, 2012, pursuant to a stipulation of the parties, Magistrate Judge Leung granted Defendants an extension to December 14, 2012 to respond to the Amended Complaint. The Defendants intend to move to dismiss the Amended Complaint and will contact Ms. Simon for a new hearing date contemporaneous with the filing of the motions and supporting papers.

With Kindest Regards,

s/ Sarah E. Bushnell

Sarah E. Bushnell

cc: All Counsel of Record (via CM/ECF)